



AP/LFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: P.P. Hussey Attorney Docket No.: KVTWO123504  
Application No.: 10/695,055 Art Unit: 3765 / Confirmation No.: 6006  
Filed: October 27, 2003 Examiner: K.M. Moran  
Title: SPORT GOGGLE WITH IMPROVED VENTILATION

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT

TO THE COMMISSIONER FOR PATENTS:

K-2 Corporation, an Indiana corporation, having a principal place of business at 19215 Vashon Highway SW, Vashon, Washington 98070, represents that it is the owner of the entire right, title, and interest in the above-identified patent application by virtue of a chain of title as shown below:

1. From: Patrick P. Hussey  
To: K2 INC.  
Recorded on October 27, 2003 at Reel 014659, Frame 0618;  
Correction recorded on October 18, 2004 at Reel 015889,  
Frame 0284; and on January 12, 2005 at Reel 015559,  
Frame 0506
2. From: K2 INC.  
To: K2 EYEWEAR, LLC  
Recorded on April 29, 2005 at Reel 015963, Frame 0859
3. From: K2 EYEWEAR, LLC  
To: K-2 CORPORATION  
Recorded on September 9, 2005 at Reel 016513, Frame 0290

The owner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer of prior U.S. Patent No. 6,637,038, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to prior U.S. Patent No. 6,637,038, this agreement to run with any patent granted on said above-identified application and to be binding upon the grantee, its successors, or assigns.

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The owner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of prior U.S. Patent No. 6,637,038 in the event that said prior U.S. Patent No. 6,637,038 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

Our Check No. 170790 in the sum of \$130 for the terminal disclaimer fee under 37 C.F.R. § 1.20(d) is included.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

K-2 Corporation

May 30, 2006  
Date

Julie C. Van Der Zanden  
Name: Julie C. Van Der Zanden  
Title: VP / General Counsel

LXC:skg/mmww

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